

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO. 6478 of 2018

Sow. Rukhmini Dnyaneshwar Mhaske
age 28 years occupation household and social worker
R/o Sawargaon Mhaske Taluka Jafrabad District Jalna.
...Petitioner

VERSUS

1. The State of Maharashtra
Through its Secretary, Home Department,
Mantralaya, Mumbai
2. The District Collector,
Collector Office, Jalna District Jalna
3. The Divisional Commissioner,
Division Aurangabad District Aurangabad.
4. The Returning Officer/Tahsildar,
Tahsil office, Grampanchayat General Elections 2017
at village Sawargaon Mhaske Taluka Jafrabad
District Jalna.
5. The Village Development Officer,
Village Panchayat Sawargaon Mhaske
Taluka Jafrabad District Jalna.
6. The Sarpanch,
Village Panchayat Sawargaon Mhaske
Taluka Jafrabad District Jalna
7. Nandkishor Sakharam Mhaske,
age major occupation agriculture and Member of
village Panchayat Sawargaon Mhaske
Taluka Jafrabad District Jalna.

...Respondents

Mr D.B. Gaikwad, Advocate for petitioner
Mr S.P. Tiwari, Asstt. Govt. Pleader for respondents No.1 to 5

CORAM : SUNIL P. DESHMUKH, J.

DATE : 4th July, 2018

ORAL JUDGMENT :

1. Heard learned Counsel for appearing parties.
2. The petitioner had complained of election of respondent No.7 as *Up Sarpanch* before the Collector, Jalna. The Collector has allowed the complaint and had directed to hold re-election to the post of *Up Sarpanch*. Said order has been taken in appeal by respondent No.7 which is pending. During pendency of the appeal, interim relief in the nature of stay to the order passed by the Collector had been operating. Thus, election for the post of *Up Sarpanch* had been stalled. It appears that there had been some disruption in operation of the order of stay. Subsequently, stay order granted by the Appellate Authority had been continued under order dated 22nd May, 2018. Against this order, petition has been purportedly, moved.
3. Looking at the scenario, it would be expedient and in the interest of parties that the main proceedings pending before the Appellate Authority be proceeded with. As such, the Appellate Authority to proceed with the pending appeal and decide the same

as early as possible, preferably, within a period of six weeks from the date of receipt of writ of this order, giving opportunity to the parties concerned.

4. The Writ petition with aforesaid, is disposed of.

**(SUNIL P. DESHMUKH)
JUDGE.**

Madkar